



TO:

Henry Lesansky Ph.D.

Assistant Secretary/ OPRA

THROUGH:

Philip O'Donnell

Director, OPRA/ICAU

THROUGH:

Pete Keefer

to 40' Nomel

Acting Assistant Director, OPRA/ICAU 17-3-0/

FROM:

Robin Brady-Slifer RSB-37/3/01

Investigator/ ICAU

DATE:

July 3, 2001

ICAU TRACKING NUMBER: 01E1059

INVOLVED YOUTH: 1.6

INVOLVED STAFF: 1. Justin Howell

3. Willie Green

2. Floyd Sears

4. Paul Johnson

LOCATION OF INCIDENT: Victor Cullen Academy

CURRENT LOCATION OF YOUTH:

As of June 29, 2001, Youths, are still assigned to Victor Cullen Academy. Youth Annapolis Maryland.





INVESTIGATIVE CONCLUSION:

On May 25, 2001, the Investigations and Child Advocacy Unit received information from the Victor Cullen Academy regarding allegations of neglect and child abuse. The neglect and abuse occurred when staff members allowed the youth to engage in hand to hand fist fights. The fights were conducted on Saturday mornings at the Silver Charm cottage and were the result of unresolved disagreements that had occurred earlier in the week between youth.

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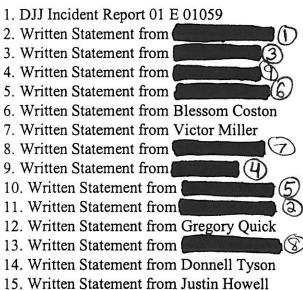


An investigation was initiated on June 3, 2001. As a result of the investigation and review of the below exhibits, it has been determined by a preponderance of the evidence that the allegations in this complaint are sustained.

The involved staff in this incident did fail to properly perform their duties as well as commit a Breach of Security which are violations of DJJ Standards of Conduct.

It is recommended that the appropriate disciplinary action to be taken.

EXHIBITS AVAILABLE FOR REVIEW:



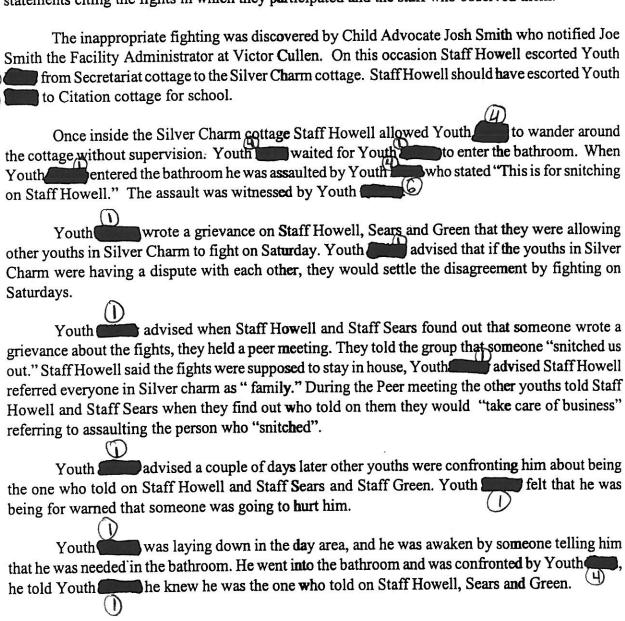
- 16. Written Statement from Floyd Sears
- 17. Written Statement from Willie Green
- 18. Written Statement from John Caiopoulos

These statements are available for review in Case files.

INVESTIGATION:

The following investigative information which includes staff and youth interviews, supports the findings in this investigation:

On May 25, 2001, Investigation Unit received a complaint that Staff members Justin Howell, Floyd Sears, Willie Green, Paul Johnson were allowing the youths at Victor Cullen Academy to fight on Saturday mornings. The fights were conducted at the Silver Charm cottage and were the result of unresolved disagreements earlier in the week between youth. Several youths provided written statements citing the fights in which they participated and the staff who observed them.



(4) (1)
Youth struck Youth in the head area with his fist. Youth started hollering
for staff support, no one responded. Left the bathroom, moments later Youth came
out of the bathroom and advised staff to what had just happened. Youth witness the fight
between Youth and Youth and his written statement corroborates the incident.
Youth reported that a group peer meeting was held in February 2001 to find out
who stole his soap. In the meeting Youth and Youth kept arguing and disrespecting
each other. Staff Howell told them to fight and settle their difference.
3
Youth advised he came forward with the information because he didn't want to
fight. He also stated that if you didn't fight, Staff Howell and Staff Sears made you feel obligated
to fight someone whom you were having problems with.
(3)
According to Youth when the youths were having problems with each other
through the week, they would go to Staff Howell and Staff Johnson to arrange the fights on
Saturdays. Staff Howell and Staff Johnson would then allow you to fight.
Youth reported that he observed fist fights between the involved youths on several
occasions. According to Youth Staff Howell and Sears were present and did nothing to stop
the fist fights.
Would be stated that Staff Hayvall found out, someone in Silver Charm cottage told on
Youth stated that Staff Howell found out someone in Silver Charm cottage told on him and Staff Sears for allowing the youth to fight. Youth said Staff Howell became angry,
him and Statt Sears for allowing the youth to light. I out a said Statt Howell became aligny,
he held a peer meeting, and told the youth, "I will find who has been snitching, and they will be
beat up."
Further investigation revealed that youth (2) (5), and
other youth from Silver Charm cottage participated in the Saturday morning fights on several
occasions. The youths advised that the fights were witnessed by Staff Howell, Sears, Johnson and
no intervention took place to stop them. Staff Green would remain in the Day room watching
television while the fighting took place. According to the youth, they felt that Staff Howell, Sears
and Johnson were trying to teach them respect and condone the fights.
and joinison were trying to teach them respect and condone the rights.
Staff Howell denied that he, and Staff Sears and Green would not allow the youth in Silver
Charm to fight on Saturdays. Staff Howell said Youth was lying about him and the other
staff members. During the interview with this investigation, Staff Howell refers to Youth
as a " pig".
as a pig.
Staff Howell advised he never radioed that he was removing Youth
cottage and escorting him to Silver Charm Cottage. Staff Howell admitted that he never noted in
Secretariat Cottage log book that he removed Youth, and transported him to Silver Charm
Cottage.

Staff Howell advised that he did lose sight of Youth for several minutes, which did not allow him to properly supervise Youth This resulted in Youth being assaulted by Youth

Staff Sears advised that he, Howell, Green and Johnson never allowed any of the youth to fight in Silver Charm. Staff Sears said whenever there were fights between the youths it was documented and always handle by the staff. Staff Sears said the fights were never set up by the staff at Victor Cullen. Investigation revealed that there is no reports on file with Victor Cullen or DJJ which documents the fights.

Staff Green reported he never allowed the youth in Silver Charm Cottage to fight. Staff Green said the youth in Silver Charm were making up lies about him and Staff Howell, Sears and Johnson because they were strict on them.

Staff Caiopoulos reported that Youth told him about the fights that were taken place in Silver Charm on Saturdays. Staff Caiopoulos said Youth reported that Staff Howell, Sears, Johnson and Green were allowing the other youth to fight when they needed to settle a disagreement. Staff Caiopoulos said he asked a couple of other youths in Silver Charm about the fights, they told him they were allowed to fight on Saturdays. Staff Caiopoulos went to management at Victor Cullen with the information he received.

Staff Caiopoulos said he has been harassed by staff as a result of him coming forward to management, and felt that he might be assaulted by staff.

The investigation revealed that six fights took place in Silver Charm Cottage, the youth involved advised no one was ever injured during the altercation.

Investigative Findings and Recommendations:

Finding 1.0:

Sustained; Staff Justin Howell, Floyd, Sears, Willie Green and Paul Johnson failed to perform there duties in violation of DJJ Standard of Conduct 2.10. which reads in part:

"An employee of the Department shall be responsible for his or her own actions, as well as the proper performance of his or her duties. In carrying out the functions and objectives of the Department, an employee shall perform all duties in a manner that will maintain the highest standards of efficiency."

Specification 1.0:

On Saturday mornings between the months of February 2001 and May 2001 Justin Howell, Floyd Sears, Willie Green and Paul Johnson allowed the youth to engage in hand to hand fist fights. The fights were condoned, and no intervention took place.

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Finding 1.1 Sustained; Justin Howell, Floyd Sears, Willie Green and Paul Johnson did commit a Breach of Security in violation of DJJ Standard of Conduct 2.13.2. which in part reads:

"An employee may not take any action or fail to take any action when the action or failure to act causes a breach of security or a potential breach of security by jeopardizing: the safety or security of any employee, delinquent youth offender..."

Specification 1.1:

Staff Howell, Sears, Green and Johnson allowed several youth in Silver Charm cottage to engage in fist fights on Saturday mornings.

Recommendation:

The appropriate disciplinary action should be taken.

Staff Disciplinary Action:

As a result of this investigation, Staff Justin Howell and Floyd Sears employment at Victor Cullen was terminated on June 18, 2001. Staff Willie Green resigned from his employment at Victor Cullen on June 18, 2001. Staff Paul Johnson is currently still employed with Victor Cullen, but out on workmen compensation.

DSS Case Disposition:

Kathryn Cioffi a case worker for DSS/CPS, investigated these incidences and "Indicated" for child neglect on staff Howell, Sears, Green and Johnson.

Maryland State Police Disposition:

At the time of this report, the Frederick Barracks is awaiting the outcome of the DJJ investigation.

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